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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 ERIK ELLIOTT, an individual,

11 Plaintiff,

12 v.

13 BLOCKBUSTER, INC., a corporation, and
DOES 1 through 25, inclusive,

14 Defendant.

15 Civil No. 08cv1053-DMS (POR)

**ORDER FOLLOWING EARLY
NEUTRAL EVALUATION
CONFERENCE, SETTING RULE 26
COMPLIANCE AND NOTICE OF
SETTLEMENT CONFERENCE**

16 On July 28, 2008, the Court held an Early Neutral Evaluation. Appearing before the Court
17 were Plaintiff Erik Elliott; Dale Larabee, Esq., counsel for Plaintiff; Cynthia Magee, a representative
18 of Defendant Blockbuster, Inc.; and Lois M. Kosch, Esq., counsel for Defendant. After consulting
19 with counsel for the parties and discussing compliance with Federal Rule of Civil Procedure 26, IT
20 IS HEREBY ORDERED:

- 21 1. The Rule 26(f) conference shall be completed on or before **August 22, 2008**.
- 22 2. A Discovery Plan shall be lodged with the Honorable Louisa S. Porter by email to
efile_porter@casd.uscourts.gov or fax to (619) 702-9925 on or before **August 29,**
2008.
- 23 3. Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A-D), initial disclosures shall be
made on or before **September 12, 2008**.
- 24 4. A Settlement Conference shall be held on **September 22, 2008 at 2:00 p.m.** in
Judge Porter's Chambers, First Floor, 940 Front Street, San Diego, California. *All*

*counsel, all parties, and any other person(s) whose authority is required to negotiate and enter into settlement shall appear in person at the conference. Corporate counsel and/or retained outside corporate counsel **shall not** appear on behalf of a corporation as the party who has the authority to negotiate and enter into a settlement. Counsel for any non-English speaking parties is responsible for arranging for the appearance of an interpreter at the conference. Failure of required counsel and parties to appear in person will be cause for the imposition of sanctions.* All conference discussions will be informal, off the record, privileged, and confidential. If the case does not settle at the Settlement Conference, a Case Management Conference shall follow immediately thereafter.

5. In preparation for the Settlement Conference, counsel shall lodge Settlement Statements providing the Court with updates in the case. The Settlement Statements shall be lodged via email to efile_porter@casd.uscourts.gov or fax to (619) 702-9925 on or before **September 18, 2008**. Counsel shall exchange Settlement Statements.
 6. Counsel for Plaintiff shall serve a copy of this order on any parties that enter this case hereafter.
 7. Failure of any counsel or party to comply with this order shall be cause for the imposition of sanctions.

DATED: August 1, 2008


Louisa S. Porter
United States Magistrate Judge

cc: The Honorable Dana M. Sabraw
all parties